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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/612,289	07/03/2003	Kazuo Hayashi	L9289.03138	5779

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EXAMINER

MEHRPOUR, NAGHMEH

ART UNIT	PAPER NUMBER
2686	

DATE MAILED: 06/06/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

**Office Action Summary**

Application No.

10/612,289

Applicant(s)

HAYASHI, KAZUO

Examiner

Naghmeh Mehrpour

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☐ Responsive to communication(s) filed on \_\_\_\_.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1-10 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-10 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some \* c) ☐ None of:
- 1) ☒ Certified copies of the priority documents have been received.
  - 2) ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_.
  - 3) ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)  
Paper No(s)/Mail Date 8/10/00 7/3/03, 4/21/04
- 4) ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date. \_\_\_\_.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: \_\_\_\_.

## **DETAILED ACTION**

### ***Priority***

1. Receipt is acknowledged of papers submitted under 35 U.S.C. 119(a)-(d), which papers have been placed of record in the file.

### **Information Disclosure Statement**

2. The information disclosure statement filed reference listed in the information Disclosure Submitted on 07/03/03, 4/21/04 have been considered by the examiner (see attached PTO-1449).

### ***Claim Rejections - 35 USC § 102***

3. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

4. Claims 1-10, are rejected under 35 U.S.C. 102(e) as being anticipated by Baker et al. (US Publication Number 2001/0055298 A1).

Regarding claims 1, 5, 7, 9, 10, Baker teaches a test method in a mobile terminal apparatus in a CDMA mobile communication system and test apparatus that is connected to the mobile terminal apparatus, comprising:

transmitting and receiving layer signal CDMA radio interface;  
signal transmitted implement radio connection over suspending transmission intermittently by apparatus (page 1 section 0003); and

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function mobile terminal Carry test method in a mobile terminal apparatus CDMA mobile communication system and test apparatus that connected the mobile terminal apparatus, transmitting and receiving a measurement signal out radio transmission characteristic test (page 4 section 0060) comprising:

- setting CDMA radio interface (page 1 section 0003);

- setting conditions layers and transmit and receive measurement signal (page 5 sections 0065-0066);

- setting a condition carrying out loopback processing (page 5 section 0065);

- suspending transmission intermittently by RLC function signal transmitted the mobile terminal apparatus (page section 0060);

- carrying the test apparatus the radio transmission characteristic test on the mobile terminal apparatus (page 7 section 0087);

- releasing the loopback processing (page 6 section 0079); and

- releasing the CDMA radio interface (page 4 section 0060).

Regarding claims 2, 6, 8, Baker teaches the mobile terminal apparatus/test apparatus wherein according to an instruction from an external apparatus, the control section suspends transmission of the signal transmitted intermittently by RLC function (page 7 section 0087).

Regarding claim 3, Baker teaches a test apparatus according the control section controls the RLC function of the mobile terminal apparatus by wired connection via an external interface (page 4 sections 0060-0061, page 7 section 0087).

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Regarding claim 4, Baker teaches a mobile terminal apparatus which connects to the test apparatus according claim and suspends radio claim wherein transmission of signal transmitted intermittently by RLC function in transmitting the measurement signal use carrying out the radio transmission characteristics test to the test apparatus (page 4 section 0060).

### **Conclusion**

5. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

**Zhang et al.** (US Publication 2002/0054578 A1) disclose channel and quality of service adaption for multimedia over wireless networks

**Meyer et al.** (US Publication 2004/025809 A1) disclose method and system for processing a data unit

**Numakura et al.** (US Publication 2005/0025188 A1) disclose wireless communication method and mobile terminal used therefor

**Any responses to this action should be mailed to:**

6. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Naghmeh Mehrpour whose telephone number is 571-272-7913.

The examiner can normally be reached on 8:00- 6:00.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Marsha Banks-Harold be reached (571) 272-7905.

The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

NM

May 31, 2005



**MELODY MEHROUR  
PATENT EXAMINER**